

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/722,380 Confirmation No.: 4624
Applicant(s): Meyer *et al.*
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Art Unit: 1774
Examiner: Edwards, Newton O.
Title: MULTICOMPONENT FIBER INCLUDING A LUMINESCENT COLORANT

Docket No.: 038675/270589
Customer No.: 00826

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Commissioner for Patents
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REPLY BRIEF UNDER 37 CFR § 1.193

The following comments are offered in response to the Examiner's Answer mailed on March 24, 2006. These comments are an extension of, and in addition to, the arguments presented in the Appeal Brief filed on February 28, 2006.

Applicants are somewhat confused by the Examiner's characterization of the Shimizu patent. In the §103 rejection set forth in the Examiner's Answer on page 4, the Examiner admits that the Shimizu reference fails to teach the core component cross-sectional area as presently claimed. Yet, on page 6 of the Examiner's Answer, the Examiner alleges that Shimizu actually does teach a core/sheath ratio that encompasses the claimed cross-sectional area of the core component. It is respectfully submitted that Shimizu does not teach the claimed cross-sectional area.

The Shimizu reference expressly teaches that the core/sheath ratio should be no less than 1:3, which means that the core should comprise no less than 25% of the cross-sectional area of the fiber. A ratio of 1:3 cannot be interpreted as encompassing a core of 20% or less. The Examiner appears to suggest that a ratio of 1:3 means the core may comprise 20% and the sheath may comprise 80%. However, a 20%:80% ratio is a 1:4 ratio, not 1:3. Thus, Applicants continue to strenuously argue that the Shimizu reference must be viewed as teaching away from Applicants' claimed core cross-sectional area. For this reason, it is impossible to credibly argue that the combination of Shimizu and Magill results in the claimed invention. For that to be true,

one must ignore the express teachings of the Shimizu reference regarding cross-sectional area of the fiber.

Additionally, Applicants respectfully disagree with the Examiner's characterization of the examples provided in the present application. The Examiner appears to suggest that Examples 1 and 2 in the application are not relevant to the presently-claimed invention because they do not describe fibers having the claimed core cross-sectional area. However, this is inaccurate. The bicomponent fibers in Examples 1 and 2 each comprise a luminescent core that is 20% of the cross-sectional area of the fiber. The 30% in Example 1 and the 6% in Example 2 noted by the Examiner refers to the weight percentage of pigment in the core, not the cross-sectional area of the core. Each example clearly indicates that the core comprises 20% of the cross-sectional area of the fiber (paragraph 67, lines 6-8; paragraph 69, lines 2-3). Therefore, both examples describe surprising results derived from fibers that are encompassed by the present claims.

As to the Examiner's additional comments regarding the Section 102 rejection based on the Magill reference, Applicants continue to note that the teachings of Magill are too broad and remote from the presently-claimed invention to be viewed as anticipatory. Without Applicants' specification as a guide, one of ordinary skill in the art cannot immediately envision the claimed invention from the teachings of Magill, which does not discuss fiber luminescence in any detail. Even if one of ordinary skill in the art were to look to Magill for teachings related to luminescent fibers, the Shimizu reference, being far more on point in this area, would also be considered. Since Shimizu teaches away from the claims, it is even less likely that one of skill could derive the present invention from Magill.

In light of the foregoing, and in addition to the arguments set forth in the Appeal Brief, Applicants again respectfully submit that the claims of record are patentable over the cited references. As a result, it is respectfully requested that the Board of Patent Appeals and Interferences reverse the final rejection of the pending claims.

Respectfully submitted,

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